



NEW SOUTH WALES
BAR ASSOCIATION

THE NEW SOUTH WALES BAR ASSOCIATION
BAR COUNCIL

MINUTES OF PROCEEDINGS

Thursday 25 June 2015
in the Boardroom of the New South Wales Bar Association
at 4.30 pm

PRESENT: Hutley SC (phone); Moses SC; Hogan-Doran; Doyle Gray;
Menzies QC; Sullivan QC; Phillips SC; Game SC; Cunneen
SC; Traill; Walker; Khandhar; Toomey; Wood; Stitt; Hyde
Page; Antipas; Sethi

APOLOGIES: Needham SC; Bennett AC QC; Callan

IN ATTENDANCE: Deputy Executive Director; Manager, Professional Conduct
(for professional conduct matters).

In view of the President's absence and the Senior Vice President's attendance by phone, the Junior Vice President took the Chair.

MINUTES

The minutes of the meeting of 11 June 2015 were confirmed.

FOR CONSIDERATION

Memorandum to the Bar Council dated 18 June 2015 from the Education Committee –
Bar Examinations 2016

The Bar Council noted the proposed examination arrangements to be implemented by the Examination Working Party for 2016 and beyond.

The Bar Council approved the revised examination policy attached to the Education Committee's memorandum.

The Bar Council also approved funding (from existing examination fee revenues) for members of the Examination Working Party for the implementation and design of the suggested changes by February 2016. That funding is not to extend to the payment of any teaching fees.

It was also agreed that Hamish Stitt would join the Examination Working Party as a Bar Council representative on that body.

Memorandum to the Bar Council dated 4 June 2015 from the Deputy Executive Director – Civil Juries in NSW

After some discussion, the Bar Council agreed that the precise form of any proposed amendment to reinstate the use of civil juries in NSW required further consideration. It was agreed that the Junior Vice-President and Paul Menzies QC would prepare a paper for consideration at the next meeting of Bar Council, in consultation with Tim Game SC.

Costs precedents 2015

The Bar Council endorsed the new updated costs precedents, which were drafted by the Chair of the Costs and Fees Committee to incorporate the new requirements of the Legal Profession Uniform Law. The new costs precedents will be provided to members via In Brief and including in the Costs and Billing page of the Association's website.

Memorandum to the Bar Council dated 24 June 2015 from the Deputy Executive Director - New Bar Council Delegations required as a result of commencement of Legal Profession Uniform Laws on 1 July 2015; *Legal Profession Uniform Law* (NSW) – Instrument Of Delegation

RESOLVED pursuant to section 30 of the *Legal Profession Uniform Law Application Act 2014* (NSW) to delegate powers and functions in accordance with the attached Instrument of Delegation.

ALSO RESOLVED that the Executive Director, In House Counsel, the Director, Professional Conduct, the Manager, Professional Conduct and each of the Deputy Directors, Professional Conduct, be appointed to investigate matters under:

- (a) section 14, Part 2.1 of the Uniform Law (unqualified practice);
- (b) Part 3.3 Division 2 of the Uniform Law (admission);
- (c) Part 3.5 Division 4 of the Uniform Law (show cause events); and
- (d) Part 3.9 of the Uniform Law (disqualifications).

Submission from ICAC Working Party

The Bar Council considered the draft submission to the Independent Review of the Independent Commission Against Corruption which had been prepared by the ICAC Working Party.

After some discussion, the Bar Council requested that the Working Party give further consideration to the nature of review of ICAC findings and the possible extension of ICAC's jurisdiction.

It was agreed that a revised submission would be circulated to Bar Council for its consideration.

FOR INFORMATION

Memorandum to the Bar Council dated 11 June 2015 from the Chair, Criminal Law Committee – Drug Law Reform Conference, 29 May 2015

Noted.

Minutes of the meeting of the Practice Development Committee held on 17 June 2015.

Noted.

Minutes of the meeting of the QC/SC Working Group held on 3 June 2015

Noted.

Legal Services Commissioner of NSW, Legal Profession Uniform Law (NSW) – Instrument of Delegation

Noted.

Memorandum to Bar Council from the Deputy Executive Director dated 23 June 2015 – Notification of change of directors' details

Noted. The Deputy Executive Director reminded Bar Councillors of their obligation to advise of any change in circumstances, such as change of address, as soon as possible, in order to comply with ASIC requirements.

The meeting closed at 7.20pm.

Confirmed as a correct record.

Jane Needham SC
President

Date: